

DCFS Weekly Update From the State Office

Friday, December 8, 2000

Upcoming Legislative Session

By Linda Wininger

DCFS will be working on the passage of several bills this Legislative Session. The bills are generally tweaking of code to better fit the objective of DCFS or clean-up bills. They include the following:

- Post Adoption Support that will provide an "EAP" type service to post-adoptive families for referrals to contract professionals, brief counseling, or community services to meet the immediate crisis needs of the family. Case management services will also be provided. We are looking for a Governor's Building Block to be approved to provide the funding for this service.
- Shelter Care Options: A bill being sponsored by Sen. Wright will allow for alternatives to the removal of a child from their home and non-abusive parent. Options may include the abusive parent's removal or the child and unoffending parent entering a Domestic Violence Shelter. A shelter hearing would also follow removals of these types.
- Sen. Hillyard is sponsoring three bills that would change the relationship that DCFS has with the courts. The first would allow DCFS access to Juvenile Court records; the second would limit a party's access to DCFS record information governed by GRAMA; and the third would provide for appeal of all Administrative Hearing decisions in the Juvenile Court.
- Rep. Matt Throckmorton will be carrying a couple of bills for us as well. They include a provision to require the courts to give DCFS a five-day notice before children are placed in the custody of DCFS for reasons other than abuse or neglect, and for the court to find that "reasonable efforts" have been attempted and failed to prevent removal from the home. The second bill would make mandatory all CPS investigation requirements set forth in the Settlement Agreement (which has now expired). In essence, this would make all of section 62a-4a-202.3 mandatory.
- The last bill will be sponsored by Sen. Buttars. It would allow for DCFS to contract with an independent entity to investigate CPS referrals on Foster Parents (Conflict of Interest Investigations). It would also give the selected entity the power to make the decision to substantiate or unsubstantiate the referral.

We have been fortunate this year to work closely with a group of child advocates in refining these pieces of legislation. The group included representatives from the Office of the Attorney General, the Guardian ad Litem, the Juvenile Court Administration, and the DCFS Board, and was spearheaded and organized by Utah Children. Through this process we have been able to come up with changes that meet our needs and are supported by each of these parties.

Court Orders and Specific Placements--Changes in Federal Foster Care Regulations, Part 4

By Cosette Mills, Federal Revenue Manager

In my previous three articles, I talked about changes in Federal foster care regulations pertaining to the removal home and court order requirements. In this fourth article of the series, I'll discuss a significant change related to out-of-home care placements when ordered by the courts.

(Regional child protective services teams, foster care teams, and resource family consultants are encouraged to review relevant requirements in team meetings. I recommend including the regional eligibility worker(s) in these discussions, if possible.)

Responsibility for Care and Placement and Court-Ordered Placements

Federal regulations require a state agency to be responsible for care and placement of a child before Federal IV-E funding can be available for the child's placement costs. In the past, this only meant that the courts had to grant DCFS "custody" of the child.

In addition, DCFS Policy #312.4.d. indicated that the courts must specifically name the foster parent who would be the long-term foster care provider.

Recent changes in Federal regulations alter how we must interpret this requirement. Now, not only must DCFS have custody of the child, the Division must also have the authority to make the decision about where a child will be placed in order to obtain Federal funds.

This means that if a judge orders that a child be placed with a specific provider, no Title IV-E Federal funds can be available to pay for the placement.

Division policy has been amended to delete the reference in #312.4.d. to naming the long-term foster care provider.

As you know, some judges frequently order children to be placed with specific providers, such as a specific residential care provider or a specific foster parent. When a court order **names** the provider for a foster child, the potential for Federal funding is lost while that order is in effect.

This results in a significant loss of Federal funding, if the child otherwise meets Title IV-E eligibility criteria.

If a judge orders a child to be placed with a specific provider during a court hearing, the caseworker should **immediately** ask the assistant attorney general representing the Division to request a change in the order. (The judge can order a level or type of care, such as "residential care," without Federal funding being affected.)

If the request to change the order does not occur in the hearing, please request that the order be reconsidered by the court as soon as possible. Then, **if the judge issues a new order that eliminates reference to the specific provider** (i.e., thus restoring the Division's placement authority), **IV-E funding can begin again** for the foster child (even if the Division chooses to keep the child with the same provider).

For further information on Title IV-E eligibility, please contact your regional eligibility worker.

To Make Your Life Easier...Using SAFE Optimally

By Robert Lewis

Here is a little refresher on making payments in SAFE for the cost of care for children who have been removed from their own homes. Back in prehistoric times when life was less complicated, we used the USSDS system. In that era, out-of-home payments, included shelter care, could only be made through opening a foster care case. However, in SAFE, we can do everything in the context of a CPS case to record placements and set up and pay for care, which we can do in an SCF case. Now we do not create SCF cases for CPS removals unless the Division is given temporary custody by the courts.

We have seen several instances lately where our workers have put themselves through an incredible amount of additional work, by not remembering this change. They opened SCF cases following the removal of children by protective services, in order, as they supposed, to make payments. When the child went kinship rather than state custody, they found they had a full-blown SCF case on their hands to wrap up. They had SCF action items, a second risk assessment, a termination summary, etc., etc., to complete. As members of the SAFE team, we feel their pain deeply. We would like to encourage the rest of you not to follow their lead, but to take the clean and easy path for setting up placements and payments for newly removed children. Do it in CPS.

Lessons Learned from the Qualitative Case Reviews

By Craig Monson

We learned some things from last year's Qualitative Case Review (QCR) process that might help improve performance this year. We studied the data carefully and found some interesting relationships. One is that those families with good support systems tend to score higher in outcomes such as safety, permanency, and stability. Some of these support systems are strong family connections, committed foster parents, a caring caseworker, and an involved schoolteacher. In other words, if you want to perform well in outcomes develop the formal and informal supports the family needs. There are several good examples of this among the cases reviewed so far. A story from last year's review illustrates this point.

After several episodes in out-of-home care, the target child and her sister were returned home. The parents had problems with substance abuse. The reviewers who scored the case very high were particularly impressed with the formal and informal support systems in place for the family. The reviewers mentioned that the mother's treatment program provided a weekly support group and network for the mother. The

mother also had been working with Vocational Rehab to establish a career/job and the family attended family counseling. Also, there was an adequate assessment of the family's need for services and a clear service plan preparing for the return home.

Another major support for the family that impressed the case readers was the family's relationship with the caseworker. The readers wrote,

The family speaks with strong praise of their caseworker's concern and responsiveness to their need for contact and visitation with the girls while in care...A strong, genuine relationship of caring between worker and family has the family ready to continue services albeit reluctantly and complete steps which will allow them to live independently of the agency.

Our suggestion is that caseworkers look to develop and strengthen the family's support systems. Assisting schoolteachers, extended family and friends to strengthen their relationship with the client family is one way to improve performance. This suggestion is in line with Practice Model Principle Seven:

Partnership. *The entire community shares the responsibility to create an environment that helps families raise children to their fullest potential.*